

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ELIZABETH MARTIN

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-cv-00460-CWR-LGI

PATRICIA MARSHALL

DEFENDANT

MOTION FOR PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION AND
COUNTER MOTION FOR PARTIAL SUMMARY JUDGMENT ON THE ISSUE OF
LIABILITY

Plaintiff, Elizabeth Martin, files this her Motions for Preliminary Injunction and Permanent Injunction and Partial Summary Judgment on the Issue of Liability and in support thereof, would show unto the Court the following:

(1) Plaintiff, Elizabeth Martin, is an adult resident citizen of Jackson, Mississippi, whose business address is 405 Tombigbee Street, Jackson, Mississippi 39201, and she brings this action pursuant to Rule 65 of the Federal Rules of Civil Procedure.

(2) Defendant, Patricia Marshall, is an adult resident citizen of Fresno, California, whose address is 6002 W. Fallon Avenue, Fresno, California 93722.

(3) Beginning in January 2018 and continuing through May 4, 2021, Defendant, Patricia Marshall, on multiple occasions, posted disparaging and abusive remarks about Plaintiff on several online social media platforms. Copies of the disparaging and abusive remarks that the Defendant admitted to publishing on social media are attached hereto as Exhibit "A" and incorporated herein by reference.

(4) Patricia Marshall continued to harass and defame Plaintiff, Elizabeth Martin, after Patricia Marshall received a cease and desist letter from Plaintiff's attorney sent on December 3, 2019. A copy of Attorney Wayne Ferrell's letter dated December 3, 2019, is attached hereto as

Exhibit “B” and incorporated herein by reference. Copies of Defendant’s continued harassment are attached hereto as Exhibits “A”, “D” and “E” and are incorporated herein by reference.

(5) The Defendant, Patricia Marshall, ignored Plaintiff’s attorney’s warnings and instructions and has continued to make harassing and disparaging social media posts about Plaintiff, Elizabeth Martin, so Plaintiff, Elizabeth Martin, filed this lawsuit. The Defendant, Patricia Marshall, after the filing of the lawsuit, continued with total disregard for the privacy and well being of the Plaintiff, Elizabeth Martin, by continuing to post disparaging statements on social media. Copies of the posts are attached hereto as Exhibit “E” and incorporated herein by reference. These postings violate the Terms of Service and Community Guidelines for each respective online social media platform. Copies of the platforms’ Terms of Service and/or Community Guidelines are attached hereto as Exhibit “C” and incorporated herein by reference. A copy of a recent post dated October 7, 2021, is attached hereto as Exhibit “D” and incorporated herein by reference. The postings made by Patricia Marshall are libel per se and per se defamatory and are obviously posted for the sole reason of intentionally and negligently inflicting emotional distress on Elizabeth Martin.

(6) On February 7, 2018, Defendant posted Plaintiff’s full name, age, undergraduate college name, and degree path on Twitter, and requested another poster to “expose” Elizabeth Martin on Twitter. The Twitter post also contained photos of Plaintiff similarly used without Plaintiff’s permission. Copies of the Twitter post are included in Exhibit “A” attached hereto and incorporated herein by reference. Defendant posted libelous and defamatory statements about Plaintiff’s character online on August 30, 2019, March 8, 2018, February 7, 2018, and numerous

other occasions. Copies of these statements are included in Exhibit “A” and Exhibit “E” attached hereto and incorporated herein by reference.

(7) Defendant posted libelous and defamatory statements about Plaintiff’s character online on August 30, 2019, March 8, 2018, February 7, 2018, and multiple other occasions. On August 30, 2019, Defendant posted private conversations involving Plaintiff online with intent to defame Plaintiff’s character. On multiple occasions, Defendant defamed Plaintiff through online social media posts, and inflicted emotional distress by posting Plaintiff’s private, personal information. Additionally, the Defendant and the Defendant’s friend have posted tweets falsely stating that the Plaintiff engages in prostitution; such statements constitute libel per se, as they falsely accuse the Plaintiff of engaging in immoral behavior and/or criminal activities. This intentional infliction of emotional distress, negligent infliction of emotional distress, and violation of Plaintiff’s right to privacy caused Plaintiff worry and emotional distress. Copies of the posts made by the Defendant are attached hereto as Exhibit “E” and incorporated herein by reference.

(8) The Defendant admitted to publishing these disparaging and libelous statements by virtue of her responses to Requests for Admissions. Copies of the posts the Defendant admitted to publishing are attached hereto as Exhibit “A” and incorporated herein by reference. A copy of Patricia Marshall’s Responses to Requests for Admissions is attached hereto as Exhibit “F” and incorporated herein by reference. The Defendant has no remorse and has continued to post vulgar and disgusting language directed at the Plaintiff, Elizabeth Martin, and as a result thereof, the Plaintiff is entitled to preliminary and permanent injunction enjoining and prohibiting the Defendant, Patricia Marshall, from posting the Plaintiff’s name, picture, or

anything about the Plaintiff on any social media platform, including, but not limited to, Twitter, Instagram, Discord, Tumblr, Facebook, TikTok, and Reddit; and prohibit Patricia Marshall from any direct or indirect contact whatsoever with Elizabeth Martin or Elizabeth Martin's mother, father, or family.

(9) Defendant has also contacted Plaintiff's ex-boyfriend, Alex Acevedo, requesting that he also engage in abusive behaviors directed towards the Plaintiff, and requesting that he contact Plaintiff's law school. Screenshots of these conversations with Alex Acevedo are attached hereto as Exhibit "H" and incorporated herein by reference.

(10) The Defendant, Patricia Marshall, has also coerced her friend, Catrina Saye, to post about the Plaintiff on Catrina's Twitter account in the Defendant's stead. Catrina admitted to "tweeting on behalf of a friend" after tweeting remarks about the Plaintiff. Screenshots of Catrina Saye's tweets are attached hereto as Exhibit "G" and incorporated herein by reference.

(11) The Defendant, Patricia Marshall, and the Defendant's, Patricia Marshall's, attorney have ignored and/or rejected Plaintiff's and Plaintiff's attorney's attempts to reach an amicable agreement to stay away from each other; to agree not to communicate with each other; to refrain from posting anything about the other party; and to refrain from taunting Elizabeth Martin, her friends, her mother, and her father.

(12) In support of Plaintiff's Motion Plaintiff submits the Affidavit of Elizabeth Martin attached hereto as Exhibit "I" and incorporated herein by reference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment for a Preliminary Injunction and Permanent Injunction enjoining and prohibiting the Defendant, Patricia Marshall, from naming the Plaintiff in social media posts, directing social media posts

towards the Plaintiff, Elizabeth Martin, making posts about the Plaintiff on any social media platform; prohibiting the Defendant, Patricia Marshall, from posting anything about Plaintiff on social media platforms, including, but not limited to, Twitter, Instagram, Discord, Tumblr, Facebook, TikTok, and Reddit; prohibiting the Defendant, Patricia Marshall, from posting the Plaintiff's name, picture, or anything about the Plaintiff on any social media platform, including, but not limited to, Twitter, Instagram, Discord, Tumblr, Facebook, TikTok, and Reddit; prohibiting the Defendant, Patricia Marshall, from using third parties to post the Plaintiff's name, picture, or anything about the Plaintiff on any social media platform; and prohibiting Patricia Marshall from any direct or indirect contact whatsoever with or about Elizabeth Martin or Elizabeth Martin's mother, Elizabeth Martin's father, or Elizabeth Martin's family, or Elizabeth Martin's friends.

Respectfully submitted, this the 4th day of November, 2021.

PLAINTIFF

By: /s/ Wayne E. Ferrell, Jr.
WAYNE E. FERRELL, JR.

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CERTIFICATE OF SERVICE

I, WAYNE E. FERRELL, JR., do hereby certify that I have this day electronically filed the foregoing document with the Clerk of the Court utilizing the ECF system which sent notification of such filing to all counsel of record.

This the 4th day of November, 2021.

By: /s/ Wayne E. Ferrell, Jr.
WAYNE E. FERRELL, JR.